What We Can Learn From Countries With Progressive Transgender Rights

LGBTQ TRAVEL

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John Garry May 7, 2020

IN 1973, transgender activist Sylvia Rivera took center stage at a gay pride rally in New York City while a dismayed crowd hissed in her direction. “I have been beaten, I have had my nose broken, I have been thrown in jail,” she shouted at the audience of hecklers. “I have lost my job, I have lost my apartment for gay liberation, and you all treat me this way?”

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Although trans activists like Rivera played a pivotal role in the 1969 Stonewall Riots that spawned the modern LGBTQ rights movement, the trans community was largely left behind as gay people fought for equality in the 20th and early 21st centuries. While 28 countries around the world have since passed marriage equality laws, trans people in most of those countries still face the same issues Rivera endured in the 1970s — employment and housing discrimination, exclusion from health care, barriers to legal identification, and struggles with poverty and violence.

As we approach Pride month this June, let's heed the words of Rivera's contemporary trans activist, Marsha P. Johnson — "As long as gay people don't have their rights all across America, there's no reason for celebration." The same sentiment is applicable on a global scale. Until governments around the world learn that trans rights are human rights

in the actions of politicians like Georgina Beyer, actresses like Laverne Cox, and organizations like the National Center for Transgender Equality. Most importantly, a handful of progressive countries across the globe are taking the injustices Rivera rallied against in 1973 and turning them into protections for transgender communities. It's time the rest of the world followed their lead.

Here's what we can all learn from countries that are turning Sylvia Rivera's cries for equality into legislation.

1. Trans and non-binary individuals should have the freedom to identify as they choose on legal documents.

When individuals attempt to change their legal identification records to reflect their gender expression, they're often caught in belittling medical or legal battles. In some US states, trans people must obtain a court order, a doctor's letter, or have proof of surgery to alter things like birth certificates. In Japan, trans people must undergo sterilization before they can amend official documents. Hungary is currently moving to ban trans people from legally changing their gender entirely.

These discriminatory practices incorrectly pathologize trans identities and result in severe mental-health consequences. *The Lancet Public Health Journal* published a study this year that surveyed over 22,000 trans Americans and found that people whose IDs were updated to match their gender are less likely to experience mental-health issues than those without gender-affirming legal identification. Removing medical and administrative barriers from accessing these documents is a small step nearly a dozen countries have taken towards trans equality.

In Malta, the Gender Identity, Gender Expression, and Sex Characteristics Act, passed in 2015, protects a person's right to identify as their "internal and individual experience of gender," without government interference. There are no judicial or surgical requirements that deny trans individuals the ability to obtain legal identification that matches their gender expression.

Scandinavian countries — along with Argentina, Belgium, Colombia, Ireland, and Uruguay — lead the way when it comes to legal identification, too. The Danish Parliament began allowing self-determined gender recognition among adults without medical intervention in 2014. In 2016, Norway started allowing autonomous legal gender recognition for people between 16 and 18, and children between six and 16 can legally change their gender with parental guidance. The following year, Sweden announced it would compensate around 800 transgender people who were forced to undergo sex-reassignment surgery to change their gender identity legally. Each individual received around 225,000 Swedish krona (approximately $26,000).

It should be no surprise that all three Scandi nations were named some of the happiest countries in the world by the World Happiness Report this year. By embracing equality and attempting to correct past injustices, Scandinavia is the gold standard when it comes to fairness and justice.

But problems with legal identification linger when official documents exclude options for queer people who don't identify within the male and female gender binary. Progressive countries like Canada, India, and New Zealand solve this issue by offering an "X" in addition to the "M" and "F" options on IDs. Although adding an "X" may seem inconsequential to some, for gender-nonconforming individuals, it's a revolutionary form of visibility that needs to be adopted worldwide.

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2. Non-discrimination laws must be introduced to protect transgender communities.

Widespread discrimination against LGBTQ individuals often goes unchecked by federal authorities, leaving transgender individuals susceptible to disadvantages in work and at home. Bolivia, Ecuador, Fiji, Malta, and the United Kingdom are some of the only countries whose constitutions guarantee equal rights regardless of gender identity. Trans people in other nations can be legally fired, not hired, or denied housing and medical attention based on their gender identity alone.

In the United States, one in five transgender people has faced discrimination when seeking a home, and more than one in 10 has been evicted from their home because of their gender expression. A study conducted by the social-science company CivicScience found the unemployment rate for trans workers was twice that of cisgender people. The data may be inconclusive, however, because CivicScience only tested a small sample of the population.

The United States government has the resources to collect this sort of data on trans communities but decided to exclude gender identity from the 2020 US Census. This exclusion leads to a discriminatory trickle-down effect. Without proper data, it's difficult to assess the scope of issues faced by trans communities and challenging to lobby for federal funding to support them. By disregarding gender identity, governments like the US give a tacit thumbs-up to ongoing injustices.

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3. Gender-affirming medical support needs to be accessible for all.

Gender affirmation surgery, which changes a person's physical appearance and sexual characteristics to match their gender, has the potential to be lifesaving. A survey of trans people in the UK found that only three percent of respondents who completed gender affirmation surgery contemplated suicide, compared with 67 percent of those in

transition. In 2019, researchers at the Yale School of Public Health found that gender affirmation surgery reduces anxiety, depression, and suicidal thoughts among those who seek it out.

When it comes to providing healthcare for trans communities, Argentina is one of the few countries that makes it accessible. In 2012, the country's Senate approved the Gender Identity Law, making gender affirmation surgery and hormone therapy a legal right included in both public and private healthcare plans.

For countries without liberal healthcare laws, the barriers to gender affirmation surgery are difficult to overcome. In the United States, surgery can cost upwards of $100,000 and isn't always covered by insurance providers. Few surgeons specialize in procedures like phalloplasty or vaginoplasty (the construction of a penis or vagina), and waitlists for experienced doctors can be years long.

The denial or inability to access gender-affirming care can increase mental health issues, the possibility of suicide, and propel trans people to seek out risky alternative medicines that may have negative long-term consequences. The failure to recognize the necessity of transitional surgeries is a failure to understand the emotional and physical implications these procedures have on trans individuals.

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4. Governments must create platforms for trans visibility.

The loudest crusaders for trans visibility are often celebrities brave enough to share their stories publicly. Be it Carmen Carrera or Kim Petras, these icons give cis people the ability to empathize with transgender folks by humanizing a foreign concept. But trans people represent a diverse cross-section of society that isn't always celebrated in mainstream media. That's why political action is necessary to create visibility that extends beyond star power.

In 2021, Canada will give voice to a once-invisible population by adding a third gender option to its census. By taking a comprehensive snapshot of gender identity, Canada will be better suited to serve the needs of its trans and nonbinary citizens. This adjustment is an added bonus for queer Canadians — the government already set aside $6.7 million to create the Centre for Gender, Diversity and Inclusion Statistics to identify issues faced by disenfranchised trans communities and adequately address them.

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This radical visibility is the kind of inclusion necessary in all countries if governments want to understand how to help their trans and nonbinary populations rise above the pains caused by centuries of systemic discrimination.

Government assistance aside, it's essential for activists to follow in Sylvia Rivera's footsteps and find visibility themselves, to come out to their communities, wave flags down parade routes, and create platforms where their voices reach a wider audience. But it takes more than a person standing on stage shouting for equality to win equal rights for trans people — it takes a government willing to enact equal-rights legislation. Until every country in the world creates these legal protections, there's no reason to stop shouting.

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